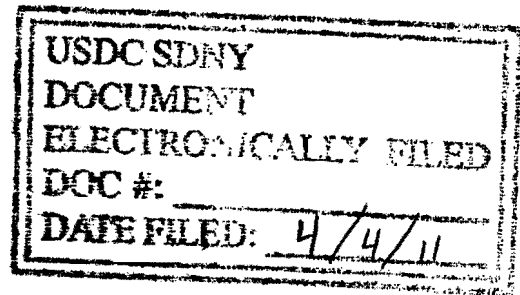


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X

ROY DEN HOLLENDER, on behalf :
of himself and all others :
similarly situated, :

Plaintiff, : 10 Civ. 9277 (LTS) (HBP)

-against- : ORDER

MEMBERS OF THE BOARD OF REGENTS :
OF THE UNIVERSITY OF THE STATE :
OF NEW YORK, in their official :
capacities, et al., :

Defendants. :

-----X

PITMAN, United States Magistrate Judge:

The United States Department of Education and the Secretary of Education (the "Federal Defendants") have filed a letter motion seeking the dismissal of the complaint. Although I am ordinarily loathe to entertain dispositive motions that are made by letter, see generally Peart v. City of New York, 992 F.2d 458, 463 (2d Cir. 1993), I am willing resolve the motion on the basis of the submissions currently before me if plaintiff agrees that a formal motion is not necessary.

Accordingly, no later than April 15, 2011, plaintiff is to inform my chambers in writing whether he consents to my considering the Federal Defendants' motion to dismiss on the

basis of the letter briefs alone. If plaintiff fails to respond by April 15, 2011, I shall deem his silence to constitute consent.

Dated: New York, New York
April 4, 2011

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

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